

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1799**

State of Minnesota,
Respondent,

vs.

Abdirizak Bashir Barre,
Appellant.

**Filed September 15, 2025
Affirmed
Larson, Judge**

Hennepin County District Court
File No. 27-CR-22-18485

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Mary F. Moriarty, Hennepin County Attorney, N. Nate Summers, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Rebecca Ireland, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larson, Presiding Judge; Wheelock, Judge; and Bentley, Judge.

NONPRECEDENTIAL OPINION

LARSON, Judge

Appellant Abdirizak Bashir Barre challenges the district court's decision to deny his motion to suppress evidence seized during a warrantless search of his vehicle. Barre argues that the district court erred when it applied the automobile exception to the warrant

requirement because an officer, acting on a tip from a confidential informant, lacked probable cause to believe that searching the vehicle would result in the discovery of evidence or contraband. We affirm.

FACTS

In an amended complaint filed on June 13, 2023, respondent State of Minnesota charged Barre with unlawful possession of a firearm or ammunition under Minn. Stat. § 624.713, subd. 1(2) (2022) (count I), and first-degree controlled-substance crime under Minn. Stat. § 152.021, subd. 1(4) (2022) (count II). The charges relied on evidence obtained from a warrantless search of Barre’s vehicle conducted after police received a tip from a confidential informant (CI). Barre moved to compel discovery of the CI’s identity and suppress the state’s evidence. The district court held a contested omnibus hearing during which it heard testimony from the officer who received the tip. The following facts were established at the contested omnibus hearing.

The officer learned about the CI from a detective, with whom the officer had worked “very many times,” after the CI contacted the detective seeking to share the tip. The officer had not previously worked with the CI. But the officer believed the CI was reliable for two reasons. First, the detective “vouched for the [CI].” Specifically, the detective told the officer “that he had previously worked with this [CI] on several occasions and information from this [CI] had been corroborated and been reliable in the past.” The detective told the officer that the CI’s tips had led to other arrests, including in cases related to controlled substances and firearms. Second, the officer was able to independently corroborate aspects of the CI’s tip.

The officer spoke to the CI in-person at the Hennepin County Jail on September 14, 2022, where the CI was “in custody for some type of violation.” The CI told the officer “that a Somali male was driving an older silver Mercedes sedan and would regularly park in . . . the southeast corner of 6th and Cedar, in a parking lot.” The CI also stated that the vehicle had out-of-state license plates and always backed into its parking space. The CI did not know the male by name but indicated that he “was in possession of a firearm” and sold controlled substances “from the vehicle.” The CI obtained this information “first-hand,” meaning that “[the CI] saw it in the vehicle.” The officer knew the CI’s identity and did not pay the CI for the tip.

On the same day that he spoke to the CI, the officer “locate[d] an older model silver Mercedes with out-of-state plates parked in the exact position in the parking lot, as [the CI] described.” The vehicle had Nebraska plates, was backed into its parking space, and the individual—later identified as Barre—matched the physical description given by the CI. The officer surveilled the area for a short period of time and did not observe any controlled-substance related activity. The officer then “tried to circle the block to get a better view,” but the vehicle moved from its spot. The officer then found the vehicle in a different location and “conducted a suspicious-vehicle stop of the car with several [other] officers.” Officers searched the vehicle and found a loaded handgun and “a couple thousand fentanyl pills.”

Following the contested omnibus hearing, the district court denied Barre’s motion to suppress. The district court determined that the CI’s tip was credible and therefore “provided officers [with] probable cause to believe that narcotics or illegal firearms may

be found in the vehicle,” such that the automobile exception to the warrant requirement applied. The district court also denied Barre’s motion to compel discovery of the CI’s identity.¹

The parties agreed that the district court’s ruling on the suppression motion was dispositive and proceeded under Minn. R. Crim. P. 26.01, subd. 4.² Accordingly, Barre submitted the case for trial on stipulated facts and stipulated evidence in order to preserve the suppression issue for appeal. In exchange, the state dismissed count I and capped its sentencing request for court II at 65 months in prison. At a hearing, the district court found Barre guilty on count II and imposed a 60-month prison term with credit for 209 days’ time served in pretrial confinement.

Barre appeals.

DECISION

Barre contends the district court erred when it denied his motion to suppress. Specifically, Barre argues the CI’s tip was not sufficiently reliable to provide officers with probable cause to search his vehicle without a warrant under the automobile exception.³

“When reviewing pretrial orders on motions to suppress evidence, we may independently review the facts and determine, as a matter of law, whether the district court

¹ This aspect of the district court’s decision is not contested on appeal.

² The state described this as a “*Lothenbach* proceeding.” “In 2007, Minn. R. Crim. [P.] 26.01, subd. 4, replaced *Lothenbach* as the method for preserving a dispositive pretrial issue for appellate review in a criminal case.” *State v. Myhre*, 875 N.W.2d 799, 802 (Minn. 2016).

³ The state argues in the alternative that other exceptions to the warrant requirement applied. Because we conclude the automobile exception applies, we decline to reach the state’s alternative arguments.

erred in suppressing—or not suppressing—the evidence.” *State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999). We review de novo whether a search was justified by probable cause, and we review findings of fact for clear error. *State v. Burbach*, 706 N.W.2d 484, 487 (Minn. 2005).

The United States and Minnesota Constitutions guarantee individuals the right to be free from “unreasonable searches and seizures.” U.S. Const. amend. IV; Minn. Const. art. I, § 10. “[A]ny evidence obtained as a result of an unreasonable search or seizure must be suppressed.” *State v. Bradley*, 908 N.W.2d 366, 369 (Minn. App. 2018). “A search conducted without a warrant is unreasonable unless it satisfies one of the well-delineated exceptions to the warrant requirement.” *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016) (quotation omitted). The state bears the burden of proving that a warrantless search was constitutionally permissible. *State v. Licari*, 659 N.W.2d 243, 250 (Minn. 2003).

One well-established exception to the warrant requirement, the “automobile exception,” authorizes officers to “search a car without a warrant, including closed containers in that car, if there is probable cause to believe the search will result in a discovery of evidence or contraband.” *Lester*, 874 N.W.2d at 771 (quotation omitted). “Probable cause is an objective inquiry that depends on the totality of the circumstances in each case.” *State v. Torgerson*, 995 N.W.2d 164, 169 (Minn. 2023) (quotation omitted). “It is a common-sense, nontechnical concept that involves the factual and practical considerations of everyday life on which reasonable and prudent people, not legal technicians, act.” *Lester*, 874 N.W.2d at 771 (quotation omitted). And “the totality of the circumstances includes reasonable inferences that police officers draw from facts, based

on their training and experience.” *Id.* The analysis requires “more than mere suspicion but less than the evidence necessary for conviction.” *Torgerson*, 995 N.W.2d at 169 (quotation omitted). Indeed, probable cause exists when the totality of the facts and circumstances shows that there is a “fair probability that contraband or evidence of a crime will be found in a particular place.” *Id.* (quotations omitted).

Probable cause to search an automobile may be established based on an informant’s tip if the tip has “sufficient indicia of reliability.” *State v. Mosley*, 994 N.W.2d 883, 890 (Minn. 2023) (quotation omitted). As the supreme court explained in *Mosley*, we determine whether a tip has “sufficient indicia of reliability” by evaluating the informant’s “reliability” and their “basis of knowledge,” but the analysis is “not a rigid two-pronged test.” *Id.* (quotation omitted). Instead, the informant’s reliability and basis of knowledge are “relevant considerations” that, along with other indicia of reliability, are part of the analysis. *Id.* (quotation omitted). If an informant’s tip to law enforcement is based on the informant’s personal knowledge, officers need not “corroborate significant details” of the tip for it to support a probable-cause determination. *Id.* at 892. Rather, “corroboration of minor details is enough to lend credence to an informant’s tip based on personal knowledge.” *Id.* (quotation omitted).

Barre argues the officer lacked probable cause to search his vehicle, relying heavily on our decision in *State v. Cook*, 610 N.W.2d 664 (Minn. App. 2000), *rev. denied* (Minn. July 25, 2000). There, we determined that, even though an informant was “undeniably credible,” their tip did not provide probable cause because it “lacked sufficient detail and range to establish the [informant’s] basis of knowledge.” *Id.* at 666-67. The informant’s

tip included Cook's name and license-plate number, a description of Cook's physical appearance, clothing, vehicle, and a claim that Cook was currently selling crack cocaine at a particular location while storing the crack cocaine in the waistband of his pants. *Id.* at 666. However, we determined that the informant's tip did not establish the basis for the informant's knowledge because the informant did not claim to have purchased a controlled substance from Cook or observed Cook selling a controlled substance. *Id.* at 668. Additionally, police corroboration was insufficient to establish the informant's basis for knowledge because the tip did "not predict any suspicious behavior on Cook's part," and the corroborated details, such as Cook's clothing, vehicle, and location, "were entirely innocuous and lacked any incriminating aspects." *Id.*

Barre argues that, like in *Cook*, the details in the CI's tip that the officer corroborated—the make and model of the vehicle, the out-of-state license plates, the driver's description, the location, and the position of the vehicle in the parking spot—were "easily obtained, readily observable facts." We are not persuaded.

Here, unlike *Cook*, the officer testified that the CI obtained their information through first-hand observation. And while some of the details provided by the CI were "innocuous," others were very specific. For example, in *Cook*, we noted that the informant's tip predicted Cook's present appearance and location rather than his future behavior. *Id.* at 669. But here the CI was in jail when they reported Barre's practice of backing a specific car into a space in a specific parking lot at "the southeast corner of 6th and Cedar." And that report predicted Barre's future behavior when the officer went to that location and found a vehicle and person matching the information the CI provided.

Moreover, this case is very similar to the supreme court’s recent decision in *Mosley*. There, an informant contacted an off-duty sergeant to relay that they “personally observed a male in possession of a firearm inside a vehicle” who “was selling marijuana.” *Mosley*, 994 N.W.2d at 886. The informant described the male’s appearance, vehicle, license-plate number, and location. *Id.* The off-duty sergeant relayed the tip to a second sergeant, who went to that location, observed a vehicle matching the informant’s description, and verified its license-plate number. *Id.* at 887. The second sergeant initiated a traffic stop after the vehicle left the location. *Id.* The supreme court determined the informant’s tip was sufficiently reliable to provide probable cause to search the vehicle, reasoning that the informant had a track record of providing accurate tips. *Id.* at 890-91. The supreme court further rejected the argument that the second sergeant did not sufficiently corroborate the tip to assure that the informant’s basis for knowledge was reliable. *Id.* at 891-92. In doing so, the supreme court gave weight to the fact that “the [i]nformant personally observed the potentially unlawful conduct,” noting that law enforcement need corroborate only minor details when an informant’s tip is based on personal knowledge. *Id.* at 892. Accordingly, because the informant’s tip was based on their personal observations and the second sergeant corroborated “the vehicle, its location, and its license plate number,” the basis of the informant’s knowledge was reliable. *Id.*

Here, like in *Mosley*, the officer testified that the CI had a track record of providing reliable tips. Also like in *Mosley*, the CI’s tip was based on personal observation. And the officer corroborated the CI’s tip, including the vehicle, its location, and its out-of-state license plates—the same sort of “minor details” the *Mosley* court determined were

sufficient. *Id.* The officer also corroborated that the vehicle was backed-into a space at the identified parking lot, and Barre matched the physical description given by the CI.

In sum, based on the totality of the circumstances, we conclude the state established that there was “a fair probability that contraband or evidence of a crime” would be found in the vehicle at the time it was searched. *See Torgerson*, 995 N.W.2d at 169 (quotations omitted). The CI’s past reliability, personal observations, and officer corroboration, when considered together, convince us that the state established probable cause to search Barre’s vehicle. *See Mosley*, 994 N.W.2d at 893. Accordingly, the district court did not err when it denied Barre’s motion to suppress the evidence seized in the warrantless search of his vehicle.

Affirmed.